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7

8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 2010-147

15 **REBECCA B. PEEK**  
16 **418 1/2 Petoskey Street**  
**Petoskey, MI 49770**

**A C C U S A T I O N**

17 **Registered Nurse License No. 684371**

18 Respondent.

19  
20 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the Interim  
23 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

24 **License History**

25 2. On or about July 21, 2006, the Board of Registered Nursing issued Registered Nurse  
26 License Number 684371 ("license") to Rebecca B. Peek ("Respondent") The license will expire  
27 on May 31, 2010, unless renewed.  
28

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## STATUTORY PROVISIONS

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

## COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 9. Respondent's license is subject to disciplinary action under Code section 2761,  
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined  
5 by the State of Michigan, Department of Community Health, Bureau of Health Professions,  
6 Board of Nursing Disciplinary Subcommittee ("Michigan Board"). In the action entitled, *In the*  
7 *Matter of Rebecca B. Peek, R.N., L.P.N., License Numbers 47-04-248583, 47-03-095309, File*  
8 *Number 47-08-107745*, effective May 1, 2009, Respondent's licenses were placed on probation  
9 for a period of one year with terms and conditions of probation. A copy of the Consent Order and  
10 Stipulation is attached as Exhibit A, and is incorporated herein.

11 The underlying circumstances of the disciplinary action are as follows:

12 a. On December 22, 2007, Respondent failed to perform or document events in a  
13 patient's chart, failed to monitor and maintain the patient's ventilator settings, failed to recognize  
14 that the patient was septic, administered Lasix instead of fluid boluses, failed to advise the  
15 physician of the patient's non-response to medication, failed to recognize the patient's increased  
16 blood urea nitrogen, creatinine and Potassium levels, and failed to document other events.

17 b. On or about July 2, 2008, Respondent was convicted in the 90th Judicial District,  
18 Emme County, Michigan of Operating While Intoxicated-2nd Offence Notice.

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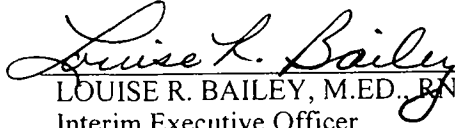
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 684371 issued to Rebecca B. Peek.
2. Ordering Rebecca B. Peek to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

9/15/09

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

## **EXHIBIT A**

**State of Michigan - Consent Order and Stipulation**

STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF NURSING  
DISCIPLINARY SUBCOMMITTEE

STATE OF MICHIGAN-INGHAM COUNTY  
We certify that the foregoing is a true  
copy of the original on file in the office  
of the Department of Community Health  
Bureau of Health Professions

In the Matter of

REBECCA B. PEEK, R.N., L.P.N.  
License Numbers: 47-04-248583  
47-03-095309

File Number: 47-08-107745

CONSENT ORDER AND STIPULATION

CONSENT ORDER

WHEREAS, an Administrative Complaint, hereafter Complaint, was issued on December 29, 2008, charging Rebecca B. Peek, R.N., L.P.N., hereafter Respondent, with having violated sections 16221(a) and 16221(b)(i) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; and

WHEREAS, Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Public Health Code; and

WHEREAS, the Disciplinary Subcommittee of the Michigan Board of Nursing, hereafter Disciplinary Subcommittee, has reviewed the Stipulation and, based upon the matters asserted therein, agrees that the public interest is best served by resolution of the outstanding Complaint; now therefore,

IT IS HEREBY FOUND that the allegations of fact and law set forth in the Complaint are true and constitute violations of sections 16221(a) and 16221(b)(i) of the Public Health Code, supra.

Accordingly,

IT IS HEREBY ORDERED that for the aforesaid violations of the Public Health Code, Respondent is placed on PROBATION for a period of ONE YEAR, commencing on the effective date of this Order. Reduction of the probationary period will only occur while Respondent is employed as a nurse. The terms of probation shall be as follows:

1. MONITORING AGREEMENT: Within 90 days of the effective date of this Order, Respondent shall contact the Health Professional Recovery Program, hereafter Contractor, telephone number 1-800-453-3784 and enter into a disciplinary monitoring agreement with the Contractor. The disciplinary monitoring agreement shall contain the same terms and conditions as the monitoring agreement that Respondent previously entered into, unless the Contractor determines that a change in terms and conditions is required.

In the event that Respondent fails to enter into a disciplinary monitoring agreement within 90 days and/or fails to comply with the terms of a monitoring agreement, the Contractor shall **immediately** notify the Department of Community Health, hereafter Department, in writing.

To the extent that the terms of the disciplinary monitoring agreement call for reports, Respondent shall submit all reports in the manner specified by the disciplinary monitoring agreement.

All information and documentation acquired by the Contractor in developing and implementing a disciplinary monitoring agreement required herein, including but not limited to urinalyses, reports of AA/NA attendance, reports of mental and physical evaluations, controlled substance logs, therapist reports, chemical dependency/substance abuse treatment facility or recovery program records or reports, shall be made available to the Department upon request to establish Respondent's compliance or non-compliance with the disciplinary monitoring agreement and this Order.

STATE OF MICHIGAN-DECATUR COUNTY  
We certify that the foregoing is a true  
and correct copy of the original on file in the office  
of the Department of Community Health  
Bureau of Health Professions

Upon Respondent's successful completion of the disciplinary monitoring agreement, the Contractor shall promptly notify the Department in writing.

2. CONTINUING EDUCATION: Within 90 days from the effective date of this Order, Respondent shall successfully complete a continuing education course accepted by the Michigan Board of Nursing, hereafter Board, in **each** of the following areas: a) professional accountability; and b) documentation. This continuing education **shall not** apply in computing Respondent's current continuing education requirements for license renewal.

Respondent shall seek and obtain pre-approval of the continuing education courses from the Chairperson of the Board or the Chairperson's designee. With regards to the continuing education relating to professional accountability, Respondent may successfully complete "Professional Accountability" offered by the National Council of State Board's of Nursing, available at <http://www.learningext.com> or request pre-approval of a comparable continuing education course. Respondent shall mail requests for pre-approval and proof of successful completion of the continuing education courses to the Department at the address below.

3. EMPLOYER REPORTS: In the event Respondent is employed as a nurse, Respondent shall immediately provide copies of this Order and the Complaint dated December 29, 2008, to Respondent's employer and supervisor. Respondent's employer or supervisor shall be knowledgeable of Respondent's history and shall file reports with the Department, as further provided herein, advising of Respondent's work performance.

In the event Respondent, at any time, fails to comply with minimal standards of acceptable and prevailing practice or appears unable to practice with reasonable skill and safety, the Department shall be **immediately** so notified by Respondent's employer or supervisor.

4. EMPLOYMENT CHANGE: Respondent shall report to the Department, in writing, any and all changes in Respondent's employment within 15 days of such change if Respondent's employment change requires Respondent to have a nursing license.

STATE OF MICHIGAN-INGHAM COUNTY  
We certify that this is a true and correct copy of the original of this document as filed in the office of the Department of Community Health  
Bureau of Health Professions



Respondent shall provide copies of this Order and the Complaint dated December 29, 2008, to each successor employer and supervisor, if the employment requires Respondent to have a nursing license. The successor employer or supervisor shall be knowledgeable of Respondent's history and shall continue to file reports with the Department advising of Respondent's work performance, as set forth above.

5. REPORT OF NON-EMPLOYMENT. If at any time during the period of probation Respondent is not employed as a nurse, Respondent shall file a report of non-employment with the Department within 15 days after becoming unemployed. Respondent shall continue to file a report of non-employment on a quarterly basis until Respondent returns to employment as a nurse, at which time Respondent shall notify the Department of this fact within 15 days of returning to practice.
6. COMPLIANCE WITH THE PUBLIC HEALTH CODE. Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated thereunder.
7. RESIDENCY AND PRACTICE OUTSIDE MICHIGAN. Periods of residency and practice outside Michigan shall not reduce the probationary period of this Order. Respondent shall report any changes of residency or practice outside Michigan no more than 15 days after the change occurs. Compliance with this provision does not satisfy the requirements of sections 16192(1) and 16221(g) of the Public Health Code, supra, regarding Respondent's duty to report name or mailing address changes to the Department.
8. REPORTING PROCEDURE. Unless requiring immediate notification as indicated above, all reports required herein shall be filed on a quarterly basis, the first report to be filed at the end of the third month of probation, and subsequent reports to be filed every three months thereafter until Respondent is discharged from probation.

In addition to receiving reports as required herein, the Department or its authorized representative may periodically contact the reporting individuals or agencies

STATE OF MICHIGAN-WAHLAM COUNTY  
We certify that the foregoing is a true  
copy of the original on file in the office  
of the Department of Community Health  
Bureau of Health Professions

to inquire of Respondent's progress. Respondent authorizes release of said information as specifically set forth in the stipulation made a part hereof.

**Respondent shall direct all communications required by the terms of this Order to: Department of Community Health, Bureau of Health Professions, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.**

The timely filing of all information relating to this Order shall be Respondent's responsibility, and failure to file said information within the time limitations herein provided shall be deemed a violation of an order of the Disciplinary Subcommittee.

9. COSTS. Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

IT IS FURTHER ORDERED that Respondent shall be automatically discharged from probation at the end of the probationary period, PROVIDED Respondent has complied with the terms of this Order and has not violated the Public Health Code.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, and if such violation is deemed to constitute an independent violation of the Public Health Code or the rules promulgated thereunder, the Disciplinary Subcommittee may proceed to take disciplinary action pursuant to 1996 AACs, R 338.1632 and section 16221(h) of the Public Health Code, supra.

STATE OF MICHIGAN-INGHAM COUNTY  
We certify that the foregoing is a true  
copy of the original on file in the office  
of the Department of Community Health  
Bureau of Health Professions

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STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF NURSING  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

REBECCA B. PEEK, R.N., L.P.N.  
License Numbers: 47-04-248583  
47-03-095309

File Number: 47-08-107745  
CONSENT ORDER AND STIPULATION

CONSENT ORDER

WHEREAS, an Administrative Complaint, hereafter Complaint, was issued on December 29, 2008, charging Rebecca B. Peek, R.N., L.P.N., hereafter Respondent, with having violated sections 16221(a) and 16221(b)(i) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; and

WHEREAS, Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Public Health Code; and

WHEREAS, the Disciplinary Subcommittee of the Michigan Board of Nursing, hereafter Disciplinary Subcommittee, has reviewed the Stipulation and, based upon the matters asserted therein, agrees that the public interest is best served by resolution of the outstanding Complaint; now therefore,

IT IS HEREBY FOUND that the allegations of fact and law set forth in the Complaint are true and constitute violations of sections 16221(a) and 16221(b)(i) of the Public Health Code, supra.

STATE OF MICHIGAN-INGHAM COUNTY  
We certify that the foregoing is a true  
copy of the original on file in the office  
of the Department of Community Health  
Bureau of Health Professions

Accordingly,

IT IS HEREBY ORDERED that for the aforesaid violations of the Public Health Code, Respondent is placed on PROBATION for a period of ONE YEAR, commencing on the effective date of this Order. Reduction of the probationary period will only occur while Respondent is employed as a nurse. The terms of probation shall be as follows:

1. MONITORING AGREEMENT: Within 90 days of the effective date of this Order, Respondent shall contact the Health Professional Recovery Program, hereafter Contractor, telephone number 1-800-453-3784 and enter into a disciplinary monitoring agreement with the Contractor. The disciplinary monitoring agreement shall contain the same terms and conditions as the monitoring agreement that Respondent previously entered into, unless the Contractor determines that a change in terms and conditions is required.

In the event that Respondent fails to enter into a disciplinary monitoring agreement within 90 days and/or fails to comply with the terms of a monitoring agreement, the Contractor shall **immediately** notify the Department of Community Health, hereafter Department, in writing.

To the extent that the terms of the disciplinary monitoring agreement call for reports, Respondent shall submit all reports in the manner specified by the disciplinary monitoring agreement.

All information and documentation acquired by the Contractor in developing and implementing a disciplinary monitoring agreement required herein, including but not limited to urinalyses, reports of AA/NA attendance, reports of mental and physical evaluations, controlled substance logs, therapist reports, chemical dependency/substance abuse treatment facility or recovery program records or reports, shall be made available to the Department upon request to establish Respondent's compliance or non-compliance with the disciplinary monitoring agreement and this Order.

STATE OF MICHIGAN  
BUREAU OF HEALTH PROFESSIONALS  
copy of this order is being sent to the office  
of the Department of Community Health  
Bureau of Health Professionals

STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF NURSING  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

REBECCA B. PEEK, R.N., L.P.N.  
License Numbers: 47-04-248583  
47-03-095309

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IT IS HEREBY FOUND that the allegations of fact and law set forth in the Complaint are true and constitute violations of sections 16221(a) and 16221(b)(i) of the Public Health Code, supra.

STATE OF MICHIGAN-INGHAM COUNTY  
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copy of the original on file in the office  
of the Department of Community Health  
Bureau of Health Professions.

Accordingly,

IT IS HEREBY ORDERED that for the aforesaid violations of the Public Health Code, Respondent is placed on PROBATION for a period of ONE YEAR, commencing on the effective date of this Order. Reduction of the probationary period will only occur while Respondent is employed as a nurse. The terms of probation shall be as follows:

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STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM  
I, \_\_\_\_\_, being a true  
and lawful resident of the  
County of Rockingham,  
do hereby certify that the  
above is a true and  
correct copy of the original  
on file in the office  
of the Department of  
Community Health  
Bureau of Health Professions.

Upon Respondent's successful completion of the disciplinary monitoring agreement, the Contractor shall promptly notify the Department in writing.

2. CONTINUING EDUCATION: Within 90 days from the effective date of this Order, Respondent shall successfully complete a continuing education course accepted by the Michigan Board of Nursing, hereafter Board, in **each** of the following areas: a) professional accountability; and b) documentation. This continuing education **shall not** apply in computing Respondent's current continuing education requirements for license renewal.

Respondent shall seek and obtain pre-approval of the continuing education courses from the Chairperson of the Board or the Chairperson's designee. With regards to the continuing education relating to professional accountability, Respondent may successfully complete "Professional Accountability" offered by the National Council of State Board's of Nursing, available at <http://www.learningext.com> or request pre-approval of a comparable continuing education course. Respondent shall mail requests for pre-approval and proof of successful completion of the continuing education courses to the Department at the address below.

3. EMPLOYER REPORTS. In the event Respondent is employed as a nurse, Respondent shall immediately provide copies of this Order and the Complaint dated December 29, 2008, to Respondent's employer and supervisor. Respondent's employer or supervisor shall be knowledgeable of Respondent's history and shall file reports with the Department, as further provided herein, advising of Respondent's work performance.

In the event Respondent, at any time, fails to comply with minimal standards of acceptable and prevailing practice or appears unable to practice with reasonable skill and safety, the Department shall be **immediately** so notified by Respondent's employer or supervisor.

4. EMPLOYMENT CHANGE. Respondent shall report to the Department, in writing, any and all changes in Respondent's employment within 15 days of such change if Respondent's employment change requires Respondent to have a nursing license.

Respondent shall provide copies of this Order and the Complaint dated December 29, 2008, to each successor employer and supervisor, if the employment requires Respondent to have a nursing license. The successor employer or supervisor shall be knowledgeable of Respondent's history and shall continue to file reports with the Department advising of Respondent's work performance, as set forth above.

5. REPORT OF NON-EMPLOYMENT. If at any time during the period of probation Respondent is not employed as a nurse, Respondent shall file a report of non-employment with the Department within 15 days after becoming unemployed. Respondent shall continue to file a report of non-employment on a quarterly basis until Respondent returns to employment as a nurse, at which time Respondent shall notify the Department of this fact within 15 days of returning to practice.
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7. RESIDENCY AND PRACTICE OUTSIDE MICHIGAN. Periods of residency and practice outside Michigan shall not reduce the probationary period of this Order. Respondent shall report any changes of residency or practice outside Michigan no more than 15 days after the change occurs. Compliance with this provision does not satisfy the requirements of sections 16192(1) and 16221(g) of the Public Health Code, supra, regarding Respondent's duty to report name or mailing address changes to the Department.
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In addition to receiving reports as required herein, the Department or its authorized representative may periodically contact the reporting individuals or agencies



to inquire of Respondent's progress. Respondent authorizes release of said information as specifically set forth in the stipulation made a part hereof.

**Respondent shall direct all communications required by the terms of this Order to: Department of Community Health, Bureau of Health Professions, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.**

The timely filing of all information relating to this Order shall be Respondent's responsibility, and failure to file said information within the time limitations herein provided shall be deemed a violation of an order of the Disciplinary Subcommittee.

9. COSTS. Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

IT IS FURTHER ORDERED that Respondent shall be automatically discharged from probation at the end of the probationary period, PROVIDED Respondent has complied with the terms of this Order and has not violated the Public Health Code.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, and if such violation is deemed to constitute an independent violation of the Public Health Code or the rules promulgated thereunder, the Disciplinary Subcommittee may proceed to take disciplinary action pursuant to 1996 AACSR, R 338.1632 and section 16221(h) of the Public Health Code, supra.

CONTINUED ON NEXT PAGE

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Disciplinary Subcommittee, as set forth below.

Dated: 4/1/09

MICHIGAN BOARD OF NURSING

By Michelle Woods  
Chairperson, Disciplinary Subcommittee

STIPULATION

1. The allegations of fact and law contained in the Complaint dated December 29, 2008, are true and constitute violations of sections 16221(a) and 16221(b)(i) of the Public Health Code, supra.

2. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq, to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and to appear with an attorney and such witnesses as Respondent may desire to present a defense to said charges.

3. Respondent understands that the duration of a monitoring agreement, required pursuant to the terms of the foregoing Consent Order, may exceed the period of probation set forth in the Consent Order. Respondent specifically agrees to abide by all terms of a monitoring agreement, if required.

4. Respondent hereby authorizes the individuals and entities required to report pursuant to the foregoing Consent Order, to release to the Department and the Department of Attorney General any and all information necessary for full compliance with the foregoing Consent Order and to assure protection of the public health, safety and welfare.

5. Factors taken into consideration in the formulation of the within Consent Order were as follows:

On March 5, 2008, Respondent entered into a three-year, non-disciplinary monitoring agreement with the HPRP. Respondent is currently compliant with the terms of the monitoring agreement, and is safe to practice with no access to controlled substances.

6. Michelle Johnson, R.N., M.S.N., a member of the Board who supports this proposal, and the Department's representative are both free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in the foregoing Consent Order.

7. The foregoing Consent Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Disciplinary Subcommittee in said cause.

CONTINUED ON NEXT PAGE

STATE OF MICHIGAN-HIGHLAND COUNTY  
We certify that this is a true and correct  
copy of the original as filed in the office  
of the Department of Community Health  
Bureau of Health Assessment

8. The foregoing proposal is conditioned upon acceptance by the Disciplinary Subcommittee, Respondent and the Department expressly reserving the right to further proceedings without prejudice should the Consent Order be rejected.

AGREED TO BY:

Melanie Brim 3/12/09  
Melanie B. Brim, Director  
Bureau of Health Professions  
Department of Community Health

Dated: 3/6/09

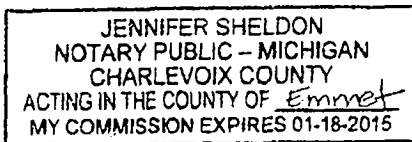
AGREED TO BY:

Rebecca B. Peek R.N., L.P.N.  
Rebecca B. Peek, R.N., L.P.N.  
Respondent

Dated: 3/6/09

State of Michigan )  
County of Emmet ) ss

On the 6 day of March, 2009, before me, a Notary Public in and for said county, appeared Rebecca B. Peek, R.N., L.P.N., who, upon oath, stated that she has read the foregoing Consent Order and Stipulation by her subscribed, that she knows the contents thereof to be true, and that the signing of said Consent Order and Stipulation is her free act and deed.



Jennifer Sheldon  
Notary Public, Charlevoix County  
State of Michigan  
My Commission expires 01-18-2015

This is the last and final page of a Consent Order and Stipulation in the matter of Rebecca B. Peek, R.N., L.P.N., File Number 47-08-107745, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of eight pages, this page included.

LFM

STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF NURSING  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

REBECCA B. PEEK, R.N., L.P.N.  
License Numbers: 47-04-248583  
47-03-095309

File Number: 47-08-107745

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Community Health, hereafter Complainant, by Melanie B. Brim, Director, Bureau of Health Professions, and files this complaint against Rebecca B. Peek, R.N., L.P.N., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Nursing, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.

2. Respondent is currently licensed to practice as a registered nurse in the state of Michigan and holds a lapsed licensed practical nurse license. Pursuant to section 16201(5) of the Public Health Code, supra, the expiration of licensure does not terminate a Board's authority to impose sanctions on a license.

STATE OF MICHIGAN-INDHAM COUNTY  
We certify that the foregoing is a true  
copy of the original on file in the office  
of the Department of Community Health  
Bureau of Health Professions.

3. Cardizem is a prescription medication used to treat tachycardia. Lasix is a prescription medication used to treat high blood pressure or water retention. Levophed is a prescription medication used to control blood pressure in acute hypotensive states.

4. On November 12, 2007, Respondent was employed as a registered nurse with Aureus Nursing, L.L.C., a nursing staffing agency. Respondent was assigned to Northern Michigan Hospital, hereafter facility, in Petoskey, Michigan in the Intensive Care Unit (ICU).

5. On December 22, 2007, Respondent worked the 7:00 a.m., to 7:00 p.m., shift. Respondent was assigned the care of patient J.R. (initials are used to protect privacy). The patient had recently undergone an emergent below the right knee amputation secondary to infectious complications and was breathing with the assistance of a ventilator. During the course of Respondent's shift, she failed to perform and/or document the followings events in the patient's chart as they occurred or immediately thereafter:

- a. Respondent did not describe what she told the patient's physician about the change in the patient's condition.
- b. Respondent failed to document Cardizem and Levophed drips on the patient's critical care Flowsheet.
- c. Respondent failed to monitor and maintain the patient's ventilator settings.
- d. Respondent failed to recognize that the patient was septic throughout the day as evidenced by tachycardia, hypotension, low urine output, and skin mottling becoming cool to the touch despite running an elevated temperature.

- e. Respondent administered Lasix instead of fluid boluses and failed to notify the physician to report the patient's non-response to the medication.
- f. Respondent failed to recognize the patient's increased blood urea nitrogen (BUN), creatinine, and Potassium levels indicative of acute renal failure.
- g. Respondent failed to document that the patient received any anti-pyretic to decrease the elevated temperature.
- h. Respondent initiated the patient's insulin protocol but failed to follow the protocol correctly.
- i. Respondent documented right pedal pulses for the patient despite the fact that the patient had undergone a below-the-knee amputation a few days earlier.

6. On December 26, 2007, further investigation by the facility discovered that Respondent had altered the patient J.R.'s record by obliterating the original data Respondent had documented on December 22, 2007, to patient J.R.'s pupils were reacting briskly at 8:00 a.m., 10:00 a.m., 12:00 p.m., 4:00 p.m., and 6:00 p.m. Respondent had written over the entries with dark black ink contrary to nursing procedures. Subsequently, the facility confronted Respondent about the aforementioned incidents and terminated Respondent's employment assignment to the facility. Pursuant to section 20175 of the Public Health Code, supra, the facility notified Complainant of Respondent's termination.

7. On January 2, 2008, in the 90<sup>th</sup> Judicial District Court, Emmet County, Michigan, in case number 07-1684, Respondent was convicted of one misdemeanor count of Operating While Intoxicated-2<sup>nd</sup> Offense Notice. Respondent was sentenced to serve 365 days in jail with one day credit (334 days in jail held in abeyance), perform 30 days of community service, attend Alcoholics Anonymous, and ordered to pay fines and costs totaling \$1, 900.00.

8. On March 27, 2008, based on Respondent's alcohol-related conviction, Complainant referred Respondent to the Health Professional Recovery Program, hereafter HPRP, for evaluation and possible entry into a non-disciplinary treatment monitoring agreement in lieu of pursuing disciplinary action against Respondent.

9. On September 17, 2008, in an interview with Complainant's investigator, Respondent stated that her "charting was not what it should have been when her shift ended on December 22, 2007." Additionally, Respondent disclosed that she had self-reported to the HPRP and was currently complainant with a non-disciplinary monitoring agreement.

#### COUNT I

Respondent's conduct, as set forth above, evidences violations of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of section 16221(a) of the Public Health Code, supra.

#### COUNT II

Respondent's conduct, as set forth above, evidences departures from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs, in violations of section 16221(b)(i) of the Public Health Code, supra.

WHEREFORE, Complainant requests that the within complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with



all lawful requirements for retention of the licenses. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Melanie B. Brim, Director, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, MI 48909.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above shall be treated as an admission of the allegations contained herein and shall result in transmittal of this complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED: December 29, 2008 Melanie B. Brim  
Melanie B. Brim, Director  
Bureau of Health Professions

This is the last and final page of an Administrative Complaint in the matter of Rebecca B. Peek, R.N., L.P.N., File Number 47-08-107745, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of five pages, this page included.

LFM